

MAILED

JUL 25 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600



UNITED STATES PATENT & TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL
PROPERTY AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE
Washington, D.C. 20231

Timothy N. Trop
Trop, Pruner & Hu, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024

Paper No. 8

In re Application of Stanley Mo et al.	:	
Application No. 09/540,968	:	PETITION TO INVOKE
Filed: March 31, 2000	:	SUPERVISORY AUTHORITY
For: MANAGING ON-LINE TRANSACTIONS	:	37C.F.R. 1.181

This is in response to applicant's Petition filed on June 26, 2002, to have the amendment filed on March 3, 2002 considered as a fully responsive amendment.

The petition is **DENIED**.

A review of the file history indicates that:

The examiner issued an Office action on February 28, 2002, which contained an objection to the drawings as failing to show all of the features set forth in the claims. The Office action also contained other rejections of the claims not currently at issue.

In response to this Office action the applicant submitted an amendment on March 28, 2002, which argued that all of the features identified by the examiner as not being shown in the drawings were in fact set forth in the drawings as originally filed.

The examiner followed this response with a letter on June 17, 2002 indicating that the March 28, 2002 response was not fully responsive since no proposed drawing changes were submitted.

The petitioner argues that all of the features identified by the examiner as not being found in the drawings are in fact illustrated. The first of these elements is a "server". Petitioner argues that in figure 1 both the "Online Transaction Service" (12) and the "Product Vendor Inventory Management System" (16) include servers. With regard to a memory coupled to the server, petitioner argues that storage 13 and 16 would also serve as memory for the "Online Transaction Service". With regard to the IMS software, petitioner argues that the drawing shows software 20 and 52 each being stored on storage 13 and 17 respectively. With regard to a processor based system,

petitioner argues that the block "Online Transaction Service" includes a server and a server is a type of a computer system which includes a processor. With regard to the Internet, petitioner argues that the network 14 in figure 1 may be the Internet. Finally, with regard to a dedicated inventory allocation, petitioner argues that the "Online Transaction Service" receives an allocation or inventory by a query made to the product vendor inventory management system 16.

Petitioner further argues that 37 C.F.R. 1.83(a) indicates that "conventional features disclosed in the description and claims where detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of graphical drawing symbol or labeled representation (e.g. a labeled rectangular box). As such the petitioner is requesting that the Amendment filed March 28, 2002 be considered fully responsive and be forwarded to the examiner for action.

A review of petitioner's arguments and the portion of the Office action dated February 28, 2002 indicates that the examiner was correct in making the indicated objection to the drawings. As noted by the petitioner 37 C.F.R. 1.83(a) only requires simple block diagram illustrations for well known conventional features, however, the features identified by the examiner have not been clearly identified in the discussed block diagram of figure 1. For example, the "Online Transaction Service" identified by element 12 does not necessarily have to be a server and as such the requirement by the examiner to illustrate this feature is reasonable. The correction could be as simple as including the term "server" inside the box. With respect to the remaining features in question, the same line of reasoning is considered to also apply, making the examiner's requirements reasonable for a full understanding of the invention. Further, the requirement for all of the claimed features to be illustrated is not only for the benefit of the examiner, but also to allow the public to quickly understand the components of an invention.

Accordingly, the petition to have the amendment filed March 28, 2002 considered as a fully responsive amendment is denied.

Petitioner has until the end of the time period set forth in the February 28, 2002 Office action as may be extended by obtaining extensions of time under 37 C.F.R. 1.136(a) to respond fully to the outstanding Office action by submitting the required proposed drawing changes or new formal drawings incorporating the required changes.

Summary: Petition Denied


John J. Love, Director
Patent Technology Center 3600
(703) 308-1020
Facsimile No.: (703) 306-4597